

**BEFORE THE STATE BOARD OF REGISTRATION  
FOR THE HEALING ARTS**

THE STATE BOARD OF REGISTRATION )  
FOR THE HEALING ARTS )

Petitioner, )

v. )

Case No. 2007-001014

FRANCISCO SILVEIRA ESCOBAR, III, M.D.)

Respondent. )

**ORDER**

The State Board of Registration for the Healing Arts (hereinafter the "Board") met, via conference call, on March 4, 2006 to discuss this matter and hereby issues the following

**ORDER:**

1. The State Board of Registration for the Healing Arts (hereinafter the "Board") is an agency of the State of Missouri created and established pursuant to §334.120, for the purposes of executing and enforcing the provisions of chapter 334.

2. The Respondent is licensed as a physician and surgeon in the State of Illinois (hereinafter the "Illinois License").

3. Effective August 3, 2006, the Respondent entered into an Agreement of Care, Counseling and Treatment that requires him to undergo psychotherapy at least once per month until July 31, 2008, as a condition for him to retain his Illinois License.

4. On or about March 22, 2006, the Respondent applied for a license with the Board to practice as a physician and surgeon.

5. On his application for licensure, the Respondent stated that he has a history of depression.

6. Along with his application, the Respondent submitted information on his treatment for depression.

7. In this information, the Respondent stated that he had a major depressive episode in April 2001 that was caused by profound exhaustion due to his workload.

8. The Respondent also stated that he had a second major depressive episode in April 2005 which was again caused by profound exhaustion due to his workload.

9. Because these major depressive episodes were work related, the Board requested the Respondent to appear at its quarterly meeting in October 2006.

10. After meeting with the Respondent in October 2006, the Board requested the Respondent to obtain a multi-disciplinary evaluation from Rush Behavioral Health Center (hereinafter "Rush").

11. In January 2007, the Respondent obtained this multi-disciplinary evaluation from Rush.

12. According to Rush's Multidisciplinary Assessment Program Summary report (hereinafter the "Rush report"), the Respondent is able to practice as a physician and surgeon if he comes "under the auspices of the Illinois Professionals Health Program or the Missouri Physicians Health Program."

13. Also according to the Rush report, “Dr. Escobar engaged in a number of contentious dealings with certain members of the hospital staff. In April 2000, as a result of his behavioral outbursts and perceived emotional liability, it was determined it best that he go on a leave of absence.”

14. Also according to the Rush report, in 2003, “Dr. Escobar said he found himself again becoming irritable, increasingly ruminative, anxious, and preoccupied with a sense of ‘impending doom.’ Following an outburst in surgery, the decision was again made to place him on a leave of absence.”

15. The Board may deny issuing a license to the Respondent pursuant to §334.100.1 and 334.100.2(4)(g), (8), (25), RSMo.

#### **DECISION AND DISCIPLINARY ORDER**

16. In lieu of denial, the Board shall issue license number 2007007666 to the Respondent. This license shall immediately be placed on PROBATION for a period of five (5) years. The period while the license is on probation shall be the “disciplinary period.”

17. During the disciplinary period, the Respondent shall be entitled to practice as a physician and surgeon under Chapter 334 RSMo, provided he adheres to all of the terms of this ORDER.

18. The Respondent shall adhere to all of the recommendations for treatment outlined in the Rush report.

19. Within thirty (30) days of the effective date of this agreement, and continuing through the duration of the disciplinary period, the Respondent shall participate in the Missouri State Medical Association's Physician Health Program (MPHP) at the Respondent's own cost. The Respondent shall follow all recommendations for treatment or aftercare made by MPHP and shall comply with each and every requirement to remain in the program. Within fifteen (15) days of entering the MPHP program, the Respondent shall cause MPHP to send written notification to the Board confirming that the Respondent has joined the program.

20. During the disciplinary period, the Respondent shall remain under the care of a Board approved psychiatrist and strictly adhere to all the treatment recommendations outlined by his psychiatrist. The Respondent shall obtain the Board's prior approval of a psychiatrist before beginning treatment.

21. For the first two (2) years of the disciplinary period, the Respondent shall engage in outpatient psychotherapy with a doctorate level, Board approved psychotherapist experienced in working with high functioning characterologic individuals. One of the several issues that should be explored and discussed in this therapy should be helping the Respondent better appreciate how he is perceived by others. The Respondent shall obtain the Board's prior approval of a doctorate level psychotherapist before beginning treatment.

22. During the disciplinary period, the Respondent shall come under the care of a Board approved primary care physician. The Respondent shall obtain the Board's prior approval of a primary care physician before coming under this physician's care.

23. If the Respondent is licensed in other jurisdictions, then he shall notify, in writing, the medical licensing authorities of those jurisdictions, within fifteen (15) days of the effective date of this ORDER, of the Respondent's disciplinary status in Missouri. The Respondent shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority.

24. During the disciplinary period, Respondent shall cause a letter of evaluation from MPHP to be submitted to the Board no later than January 1, April 1, July 1, and October 1 of each year. The letter shall include an evaluation of the Respondent's current status in the treatment, including the Respondent's compliance with all the recommendations for treatment, and the current prognosis.

25. Within ten (10) days of the effective date of this ORDER, the Respondent shall execute and deliver to the Board a written medical release(s) or other appropriate release(s) which shall cover the entire period of this ORDER authorizing the State Board of Registration for the Healing Arts to obtain records of the Respondent's treatment for psychiatry and psychotherapy. Respondent shall not take any action to cancel the release(s) and shall take whatever actions are necessary to ensure that the release(s) remain in full force and effect throughout the disciplinary period.

26. If the treatment of the Respondent is successfully completed during the disciplinary period, the Respondent shall cause the treating psychiatric and psychotherapy professionals and director of MPHP to submit a letter of evaluation to the Board stating that the Respondent has successfully completed treatment and the arrangements for appropriate follow-up or aftercare. The Respondent shall follow all recommendations for follow-up or aftercare and shall document compliance with all such recommendations.

27. During the disciplinary period, the Respondent shall comply with all provisions of Chapters 334 and 195, RSMo; all the regulations of the Board; all applicable federal and state drug laws, rules, and regulations; and all federal and state laws. State here includes all states and territories of the United States.

28. During the disciplinary period, the Respondent shall keep the Board informed of his current work and home telephone numbers and addresses. The Respondent shall notify the Board in writing within ten (10) days of any change in this information.

29. During the disciplinary period, the Respondent shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this disciplinary ORDER.

30. During the disciplinary period, the Respondent shall appear in person for interviews with the Board or its designee upon request.

31. The Respondent shall notify, within fifteen (15) days of the effective date of this ORDER, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and

all other facilities where the Respondent practices or has privileges, of his disciplinary status.

The Respondent shall notify any physician assistants or other allied health care professionals he supervises of the disciplinary action imposed. Notification shall be in writing and the Respondent shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative.


32. For purposes of this ORDER, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Board in this ORDER shall be forwarded to The State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

33. In the event The State Board of Registration for the Healing Arts determines that the Respondent has violated any term or condition of this ORDER, the Board may in its discretion, vacate this ORDER and impose such further discipline as the Board shall deem appropriate.

34. If the Respondent wishes to appeal this ORDER, he may do so by filing an appeal with the Administrative Hearing Commission within thirty (30) days of the effective date. The Respondent may contact the Administrative Hearing Commission at P.O. Box 1557, Jefferson City, MO 65102.

IT IS HEREBY ORDERED that upon the effective date of this ORDER, the Respondent shall be issued a license pursuant to the terms of discipline listed above.

SO ORDERED EFFECTIVE THIS 19 DAY OF MARCH, 2007.

  
Tina Steinman, Executive Director  
State Board of Registration for the Healing Arts